



[10434/60701]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : HUANG et al.
Serial No. : 10/693,091
Filed : October 23, 2003
For : METHOD FOR CONTINUOUS PARTICLE SEPARATION
USING OBSTACLE ARRAYS ASYMMETRICALLY
ALIGNED TO FIELDS
Examiner : Noguerola, Alexander Stephan
Art Unit : 1753

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.131

Sir:

We, Lotien Richard Huang, James Christopher Sturm, and Robert Hamilton Austin, declare and state as follows:

1. We are the named inventors of the above-identified application. In addition, we are named authors of Huang et al., "Role of Molecular Size in Ratchet Fractionation," Physical Review Letters, vol. 89, no. 17, 21 October 2002, 178301-4.
2. We conceived of the subject matter described and claimed in the above-identified application prior to October 22, 2002, and particularly before October 4, 2002.
3. Attached hereto as Exhibit 1 is a copy of an Invention Disclosure (dates redacted) of the presently claimed invention. The invention disclosure includes notebook pages describing the present invention.
4. The notebook pages demonstrate that we were in possession of the presently claimed microfluidic device for separating particles according to size and method for separating particles according to size prior to October 22, 2002, and particularly before October 4, 2002.
5. We exercised diligence in constructively reducing to practice the subject matter described and claimed in the above-identified application from at least a time prior to October 22, 2002, and, more particularly, from a time prior to October 4, 2002, continuously up to October 23, 2002, the date on which U.S. Provisional Patent Application No. 60/420,756, the provisional application to which the above-identified application claims benefit, was filed in the United States Patent and Trademark Office. During that time, we provided information to patent counsel for preparation of the provisional application and reviewed and revised drafts thereof.
6. We hereby declare that all statements made herein of our own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and

the like so made are punishable by fine or imprisonment, or both, under 35 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: _____

Lotien Richard Huang

Date: _____

James Christopher Sturm

Date: 22 May '06

Robert Hamilton Austin